

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DIGITAL MEDIA SOLUTIONS, LLC, ) CASE NO. 1:19-cv-145  
Plaintiff, )  
v. ) JUDGE DAN AARON POLSTER  
SOUTH UNIVERSITY OF OHIO, LLC, ET )  
AL., )  
Defendants. ) MOTION OF 3601 SUNFLOWER LLC  
   ) TO VACATE THE INJUNCTION AND  
   ) RECEIVER ORDER OR, IN THE  
   ) ALTERNATIVE, TO MODIFY THE  
   ) SCOPE OF THE RECEIVER ORDER  
   ) AND INJUNCTION

For the reasons explained in the attached memorandum of law in support of this motion<sup>1</sup>, 3601 Sunflower LLC (“Movant”), which is a landlord under a written lease agreement with Defendant Argosy Education Group, LLC, as lessee, hereby moves the Court to vacate the order of January 18, 2019 (ECF Doc. 8), in which the Court improvidently and without authority appointed a receiver to administer the affairs and all assets of Defendant Argosy Education Group, LLC. The Court’s “power to vacate an appointment [of a receiver] improvidently made . . . is a necessary incident to the power to appoint in the first instance.” Skirvin v. Mesta, 141 F.2d 668, 673 (10th Cir. 1944).

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<sup>1</sup> In addition, Movant requests a hearing to address any questions or concerns the Court may have regarding this Motion.

Alternatively, the Movant moves the Court to modify the January 18 receiver order in the manner set forth in the attached memorandum of law.

*/s/ William J. Stavole*

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 15, 2019, a copy of the foregoing MOTION OF 3601 SUNFLOWER LLC TO VACATE THE INJUNCTION AND RECEIVER ORDER OR, IN THE ALTERNATIVE, TO MODIFY THE SCOPE OF THE RECEIVER ORDER AND INJUNCTION was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

*/s/ William J. Stavole* \_\_\_\_\_

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